



**Town of Arlington, Massachusetts**  
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## Redevelopment Board Minutes 01/26/2009

Arlington Redevelopment Board  
Minutes of January 26, 2009

Members Present: Andrew West, Chair  
Christopher Loret, Vice Chair  
Ed Tsoi  
Roly Chaput  
Bruce Fitzsimmons

Also Present: Kevin J. O'Brien

Andy West called the meeting to order at 7:10 and announced the continuation of the public hearing on the special permit application to build a CVS store at 821 – 837 Mass. Ave. Andy West asked Kevin O'Brien to report on a meeting with the applicant on January 13, 2009. Kevin O'Brien reported that two members of the ARB, Andy West and Roly Chaput met with CVS representatives, Paul Beck, Debbie Constantine and Mary Winstanley O'Connor. The meeting participants discussed CVS's needs, with CVS at first indicating that it would not find residential use of the Atwood house acceptable. When it was indicated that the house would probably be one-bedroom or studio units, it was considered acceptable. CVS indicated that they would not consider two store entrances and would not do the project without the drive-thru. Mary Winstanley O'Connor indicated that she had given a letter to Town Counsel containing her argument that a drive-thru is allowed by the Arlington Zoning Bylaw.

Mary Winstanley O'Connor then introduced Phil Henry and asked him to explain a new site plan. The site plan showed the store located closer to the house. Chris Emelius, traffic engineer for CVS, then explained the traffic impacts. He showed that there would be increased pedestrian crossing of Mass. Ave. near Carey Drive. Sam Offei-Addo, the ARB's traffic consultant indicated that it might make sense to consolidate the crosswalk in the middle of the High School with one at Carey Drive. The two consultants generally agreed on the revised trip generation, trip distribution, and pedestrian signal phasing at Mass. Ave. and Mill St.

Sam Offei-Addo indicated he would need a new site plan to analyze the impacts. There was discussion about how with this site plan there would be fewer lost parking spaces on Mass. Ave. Discussion then turned to the impacts at the Jason/Mill/Mass. Ave. intersection. Chris Emelius maintained that with or without the CVS the intersection behaved below standards so it is not CVS's problem. They tried to suggest ways to mitigate the worst problems, however, suggesting that maybe right turn lanes would help. Sam Offei-Addo thought there was not enough room for such lanes. Andy West asked that they draw the plan to see if there is enough room. Chris Emelius replied that he couldn't draw it because they didn't have a survey for the intersection. Jeff Maxtutis of the Town's Transportation Advisory Committee (TAC) said that there were both safety and capacity problems at the intersection. Sixteen accidents may not meet a Mass Highway, District 4 standard but it is high for Arlington. He also thought there was not enough room for turn lanes, but thought that timing and phasing might help. Chris Emelius said his analysis showed it wouldn't. Jeff Maxtutis said that even if CVS thought it wasn't their problem, they were contributing to the problem and should contribute to its mitigation. Mary Winstanley O'Connor stated that the intersection was far from their project and the development of the Brigham's site will have much more impact. It was not fair to CVS to make them solve the problem.

Elisabeth Carr Jones, also of the TAC, pointed out that the crosswalk at Bartlett was very wide and not well supported. She thought that a crosswalk at Carey Drive might help the situation. Bruce Fitzsimmons indicated that he wanted more information on the placement of the signalized crosswalk.

Chris Loret asked what TAC thought of the new entrance drive plan. Jeff Maxtutis replied that there were pros and cons, he liked that there was just one curb cut. He also said he wanted more information about combining the crosswalk near the high school so he could evaluate it. Elisabeth Carr Jones suggested it might make sense to move the crosswalk west of Carey Drive. Carolyn Simmons, a former school committee member cautioned the Board to look into the history of why the crosswalk was placed where it is. Another person asked how it could be moved if it were put there to serve the high school students. Kevin O'Brien pointed out that when the crosswalk was put there, there was no CVS next door. Its history doesn't mean its position shouldn't be looked at now. Chuck Pappas added that high school students know that traffic will stop in the current location.

Andy West suggested that the applicant draw two alternatives, one with the signal at the current location and a new crosswalk at Carey Drive, and the other with the signal at the Carey Drive location. Andy West then asked that the applicant explain the new site plan. Phil Henry presented the plan indicating among other things that the amount of landscaping in the parking lot was still below the required 8%. Kevin O'Brien asked what the significance of their comment that the plan had not been approved by CVS. Mary Winstanley O'Connor responded that they wanted to get the Board's reaction before asking CVS. Debbie Constantine added that they had moved the store to the sidewalk and had kept the house concluding that they had made big changes.

Chris Loret asked how far the store was from the house. Phil Henry responded that it was ten feet. Chris Loret then asked how high the store building was next to the house. Phil Henry responded that it was 21 feet high.

Bruce Fitzsimmons said that the new plan was much improved. He wanted to ask some questions about Mary Winstanley O'Connor's memo to Town Counsel in which she makes her case that the drive thru is allowed by the Zoning Bylaw. He asked if the term "customary" had a regional consideration. He continued, saying that cases regarding customary uses are fact intensive and decided on a case by case basis. Chris Loret said he wanted to add that he had looked at some of the cases and noted that in the New Jersey case, there were three other drive-thru's already in town. He said the ARB would have to determine if it is a special permit. Chris Loret said that "customary" those cases hinges upon the use being minor, and that CVS didn't seem to think of the drive-thru as being minor. He went on to say that he had drafted a motion to deny the special permit for the drive-thru and wanted to introduce it in a way that it couldn't be appealed. Mary Winstanley O'Connor said she knew Chris Loret was opposed to the drive-thru which is why she wrote the memo to Town Counsel. She continued that if the ARB was not interested in CVS, it should say so instead of back dooring it.

Andy West said that the new plan had done a great job of getting the CVS model into Arlington. He said he was not trying to derail the project. He said the new plan is a vehicular oriented model; it is drive-thru oriented. That is the divergence.

Debbie Constantine said she would look at it differently if it were in Arlington Center. The Belmont store was a compromise. We need to run a successful business. Andy West said that it is an urban model. Debbie Constantine said that this isn't an urban model.

Andrew West asked that they do two things: move the store away from the house and move the entrance further east. Phil Henry explained the vehicle circulation. Andrew West said that if this were an urban model, it could have a second entrance in the rear. Paul Beck said that his concept of an urban model had connectivity to other stores. Phil Henry pointed out that the uses on either side were not on the street. Paul Beck added that they had come a long way. Chris Loret said that the plan was not that different than the original, but with the house.

Roly Chaput asked if there were windows on the side. Phil Henry said that there were windows. Roly Chaput then asked why they didn't put the entrance on the side. Phil Henry said he thought the Board wanted it on the front. Debbie Constantine added that the door must be on the opposite corner from the pharmacy. Roly Chaput asked if CVS would consider doing a mini clinic at this location. Debbie Constantine said that his site was not designated for a clinic.

Phil Henry then explained the storm drainage in the plan and the rain garden. Roly Chaput asked how they would do snow removal or snow storage. Phil Henry said that snow would be stored on site in parking spaces and if it took up too much space, it would be removed from the site.

Andy West asked for comments from the audience. Chuck Pappas said that his building had a drive-thru. It had been a bank. Dr. Michael Foley asked how they would keep kids from parking there for high school. Paul Beck indicated that they would police it if it became a problem. Kenneth Simmons asked what was the hang up about a drive-thru. Chris Loret responded that TAC opposes it, the clean air campus bill had just been signed to prevent vehicle idling, and drive-thru's are not allowed in some zoning districts. Kenneth Simmons said the Town would lose tax revenue. Mary Winstanley O'Connor said that there would be two to three customers per hour at the drive-thru, and Debbie Constantine said that people aren't at the drive-thru for long. Richard Duffy said that he favored the drive-thru, because it helps people with kids in the car. Pharmacies used to have home delivery, not any more. He thinks this is a good location for this. Bruce Fitzsimmons responded to the drive-thru question by saying that he is working on the notion of "customary" and whether its customary to the industry or customary to the geographic area, and that the drive-thru window causes other problems in the site plan.

Someone asked if there were one or two drive-thru windows. Phil Henry said there were two. Someone asked if CVS would close the CVS store in the center if

they opened this one. Debbie Constantine said there was no plan to close the one in the center. Dr. Foley asked if they thought of putting the ATM on the outer window of the drive-thru? Paul Beck said they had not. Carolyn Simmons asked if the Board would support a drive-thru. Andy West said that they were figuring that out.

Andy West then asked what were the plans for the house. Mary Winstanley O'Connor said that they are talking with David Levy of the Housing Corporation of Arlington, but the Noyes family has said that if the CVS project is not approved the house will come down.

Andy West said that he would like them to look at moving the driveway to the east. Chris Loretto observed that if the drive-thru is so necessary, it can't be a very viable store. Debbie Constantine said that a store without a drive-thru wouldn't justify the investment, wouldn't be good for the future.

Dr. Foley said that the existing property line is about ten feet from the house. Andy West said that he is concerned about the CVS building being only ten feet from the house. Ed Tsoi said that more is working right in the plan and he is prepared to approve it. Andy West asked if the Board wanted to move forward. Ed Tsoi said that he wanted to see the facade plans.

David Levy said that he is concerned about the marketability of housing units in the house only ten feet from the CVS building. He asked if the building could be narrowed. Debbie Constantine said they could look at that, but she didn't think it could be narrowed.

Andy West said that they needed to decide if they would allow the drive-thru. Chris Loretto said that he was clear in opposition to it. Bruce Fitzsimmons indicated that he thought the Board could decide it was allowed, but it didn't have to. He said the Board could decide on a case by case basis, and added that he thought it could be determined to be customary and that it causes problems on the site.

Phil Henry said that the whole building could be moved to the west about seven feet, but it would make the buffer on the west side smaller.

Paul Beck requested that the hearing be continued to February 9<sup>th</sup>. Bruce Fitzsimmons moved and Roly Chaput seconded the motion to continue the hearing to February 9, 2009 at 7PM in this same location. The Board voted 5 to 0 to approve.

Kevin O'Brien briefed the Board on the decisions it would have to make next week concerning the Symmes project.

The Board then looked at minutes of an earlier meeting and Roly Chaput moved and Chris Loretto seconded a motion to approve the minutes of January 12, 2009. The Board voted 5 to 0 to approve.

The meeting adjourned at 10:25PM.

Respectfully submitted  
Kevin J. O'Brien

Approved

3/16/09